

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	3:CR-18-0097
	:	
v.	:	(Judge Mariani)
	:	
ROSS ROGGIO	:	(Electronically filed)

MOTION TO WITHDRAW AS COURT-APPOINTED COUNSEL

AND NOW comes the undersigned, Gino A. Bartolai, Esquire, court-appointed counsel for the Defendant, Ross Roggio, and files the following Motion to withdraw as counsel for Roggio, and in support thereof avers the following:

1. On March 20, 2018, Roggio was charged in an Indictment with conspiracy to commit an offense against the United States, in violation of Title 18, United States Code, Section 371; violations of the Arms Export Control Act, Title 22, United States Code, Sections 2778(b) and (c); and the International Emergency Powers Act, Title 50, United States Code, Sections 1702 and 1705(c); smuggling goods from the United States, in violation of Title 18 United States Code Sections 554 and 2; wire fraud, in violation of Title 18, United States Code Section 1342; and money laundering, in violation of Title 18 United States Code, Sections 1956(a)(2)(A) and 2.

2. On March 23, 2018, Roggio appeared before Magistrate Judge Karoline Mehalchick for an initial appearance and arraignment and entered a plea of not guilty to the charges.

3. On April 3, 2019, the undersigned was appointed as counsel for Roggio pursuant to the Criminal Justice Act, 18 U.S.C Section 3006A.

4. On February 15, 2022, Roggio was charged in a Superseding Indictment with two additional charges; Conspiracy to Commit Torture in violation of Title 18, U.S.C. Sections 2340 and 2340A (c), and Torture in violation of Title 18, U.S.C. Sections 2340, 2340(A)(a) and 2.

5. On February 17, 2022, Roggio was arraigned before Magistrate Judge Joseph F. Saporito on the Superseding Indictment and entered a plea of not guilty.

6. On August 9th and 10th, 2022, Attorneys Curt M. Parkins, Matthew T. Comerford, and Jason A Shrive entered their appearances as private counsel for Roggio. (**Doc 151-153**).

7. On August 16, 2022, the undersigned filed a Motion to Withdraw as Attorney for Roggio which was granted by the Court. (**Docs 155-156**).

8. On December 13, 2022, the above private counsel filed a Motion to Withdraw as Attorneys for Roggio. (**Doc 198**) On December 16, 2022, the Court granted private counsel's motion to withdraw as counsel.

9. On December 22, 2022, the Court reappointed the undersigned as

counsel for Roggio pursuant to the Criminal Justice Act.

10. On May 19, 2023, following a jury trial, Roggio was convicted of all the aforementioned charges. At that time the Court ordered that a Presentence Report be prepared.

11. Sentencing is scheduled for October 25, 2023.

12. On August 3, 2023, a draft version of the Presentence Report was disclosed to the parties. The deadline for objections to the report is August 21, 2023.

13. The undersigned counsel met with Roggio on August 12, 2023, at the Lackawanna County Prison at which time Roggio acknowledged receiving the Presentence Report but refused to discuss it with counsel. Roggio has requested that the undersigned counsel file a motion to withdraw as counsel claiming conflicting interests and irreconcilable differences.

14. Because Roggio refuses to work with the undersigned counsel on matters crucial to his sentencing and appeal the undersigned requests that the Court permit him to withdraw as counsel.

WHEREFORE, the undersigned counsel respectfully requests that this Honorable Court issue an Order withdrawing him as counsel for Defendant Ross Roggio.

Respectfully submitted,

Date: August 23, 2023

s/Gino Bartolai
Gino Bartolai, Esquire
Attorney ID# PA 56642

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Attorney for Ross Roggio

CERTIFICATE OF NONCONCURRENCE

I, Gino Bartolai, Esquire, certify that on this date I contacted Todd K. Hinkley, Assistant United States Attorney, who advised that he does not concur in the within **Motion to Withdraw as Counsel**.

Date: August 23, 2023

s/Gino Bartolai
Gino Bartolai, Esquire

CERTIFICATE OF SERVICE

I, Gino Bartolai, Esquire, do hereby certify that I electronically served, via e-mail, a copy of the foregoing **Motion to Withdraw as Counsel**, to the following

Todd K. Hinkley, Esquire
Assistant United States Attorney

and by placing the same in the United States mail, first class, postage prepaid, at Scranton, Pennsylvania, addressed to the following:

Ross Roggio

Date: August 23, 2023

s/Gino Bartolai
Gino A. Bartolai, Esquire